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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,509	04/06/2000	Phil Wyatt	MCO-P-00-003	9084
29013	7590	04/04/2006	EXAMINER	
PATENTS+TMS, P.C. 2849 W. ARMITAGE AVE. CHICAGO, IL 60647			PASS, NATALIE	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/544,509	Applicant(s) WYATT, PHIL	
	Examiner Natalie A. Pass	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 17 January 2006. Claims 1-2, 6-8, 10-12, 14-16, 18-20 have been amended. Claims 1-20 remain pending.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Claim 1 recites “which at least one of the plurality of medical conditions” in lines 17-18. For the purpose of applying art, Examiner assumes this limitation to recite “which treat at least one of the plurality of medical conditions.” Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Newly amended claims 1-2, 6-8, 10-12, 14-16, 18-20 and claims 3-5, 9, 13, and 17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(A) Independent claims 1, 15 recite limitations that are new matter, and are therefore rejected. The added material which is not supported by the original disclosure is as follows:

- "wherein the medical condition of the query is matched to a second medical condition" as disclosed in claim 1 at lines 21-22;
- "wherein the third information relates to the second medical condition" at lines 30-31;
- "means for disclosing second information wherein the second information relates to one of the plurality of medical conditions of the query" in claim 15 at lines 24-26.

35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. "New matter" constitutes any material which meets the following criteria:

- a) It is added to the disclosure (either the specification, the claims, or the drawings) after the filing date of the application, and
- b) It contains new information which is neither included nor implied in the original version of the disclosure. This includes the addition of physical properties, new uses, etc.

In particular, the Examiner was unable able to find any support for this newly added language within the specification as originally filed on 6 April 2000. Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims.

(B) Claims 2-14, 15-20 incorporate the features of independent claims 1, and 15, through dependency, and are also rejected.

Applicant is required to cancel the new matter in the reply to this Office Action.

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5. If Applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application can, be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed on 6 April 2000.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Claim 1 recites “matched to a second medical condition from the plurality of medical resources in the first information” on lines 22-23. However the “first information” as defined in claim 1 relates to “a plurality of medical conditions,” not a plurality of medical “resources.” For the purpose of applying art, Examiner assumes the limitation to read “matched to a second medical condition from the plurality of medical conditions in the first information.” Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

NOTE: The following rejections assume that the subject matter added in amendment filed 17 January 2006 are NOT new matter, and are provided hereinbelow for Applicant's consideration, on the condition that Applicant properly traverses the new matter concerns and 112, 1st rejections made in the sections above in the next communication sent in response to the present Office Action.

9. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Business Wire article "Specialty care Network Announces Internet Strategy; New HealthGrades.com Site to Offer Provider and Health Plan Rating Information." June 30, 1999, Business wire, p1519, hereinafter known as HealthGrades, in view of Applicant's admissions in the "Background of the Specification" section of the Specification, (hereinafter known as "AAPA"), for substantially the same reasons given in the previous Office Action (paper number 09072005). Further reasons appear hereinbelow.

(A) Claim 1 has been amended to recite

- "second information relating to a plurality of medical resources wherein the plurality of medical conditions are diseases and disorders and further wherein the plurality of medical resources are medical specialists, specialty hospitals, medical facilities and health facilities which at least one of the plurality of medical conditions" in lines 13-18;
- "searching the first information and the second information in the database based on the query input into the website wherein the medical condition of the query is matched to a second medical condition from the plurality of medical resources in the first information wherein a medical resource form the plurality of medical resources in the second information is

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matched to the medical condition of the query wherein the medical condition of the query is treatable by the medical resource” in lines 19-27; and

- “displaying third information via the individual remote computer wherein the third information relates to the second medical condition and further wherein the third information relates to the medical resource which matches the medical condition of the query” in lines 29-33.

As per these new limitations, HealthGrades and AAPA teach a method as analyzed and discussed in the previous Office Action (paper number 09072005)

wherein the database (AAPA; page 1, lines 21-29) stores first information relating to a plurality of medical conditions (HealthGrades; paragraph 5) and second information relating to a plurality of medical resources (HealthGrades; paragraph 5) wherein the plurality of medical conditions are diseases and disorders and further wherein the plurality of medical resources are medical specialists, specialty hospitals, medical facilities and health facilities which at least one of the plurality of medical conditions; Examiner interprets HealthGrades teachings of “only through HealthGrades.com or through one of its partner sites can consumers find objective data regarding the best hospitals and physicians to treat their illness” (HealthGrades; paragraph 5) as teaching storing of Applicant’s “first information” and “second information;”

searching the first information and the second information in the database (AAPA; page 1, line 21 to page 2, line 6) based on the query input into the website (HealthGrades; paragraph 5) wherein the medical condition of the query is matched to a second medical condition from the plurality of medical resources in the first information wherein a medical resource from the plurality of medical resources in the second information is matched to the medical condition of

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the query (HealthGrades; paragraphs 4-5) wherein the medical condition of the query is treatable by the medical resource; Examiner interprets HealthGrades teachings of “[f]irst, they want to know about the disease and the appropriate procedure to treat the disease. Second, they want to know where and to whom to go to for the best care. Many sites provide information on the former” (HealthGrades; paragraph 4) and “Consumer sites such as AOL.com's Health & Fitness Channel (NYSE:AOL),drkoop.com (Nasdaq:KOOP), iVillage's BetterHealth.com (Nasdaq:IVIL),Yahoo!'s Health channel (Nasdaq:YHOO), MSN's Health channel (Nasdaq:MSFT),Onhealth (Nasdaq:ONHN), Mediconsult (Nasdaq:MDCS), Healtheon's WebMD(Nasdaq:HLTH), and adam.com (Nasdaq:ADAM) provide valuable disease and condition information to consumers” (HealthGrades; paragraph 5) as teaching inputting queries into a website wherein medical conditions in the query are matched to stored medical conditions in the “first information;” and Examiner interprets HealthGrades teachings of “only through HealthGrades.com or through one of its partner sites can consumers find objective data regarding the best hospitals and physicians to treat their illness” (emphasis added) (HealthGrades; paragraph 5) as teaching “wherein the medical condition of the query is matched to a second medical condition from the plurality of medical resources;” and

displaying third information via the individual remote computer wherein the third information relates to the second medical condition and further wherein the third information relates to the medical resource which matches the medical condition of the query; Examiner interprets a “Web site” that is a “portal for consumers” (HealthGrades; paragraph 5) and a “Web-based site for the distribution of free health care provider ... [...] ... information” (paragraph 2) and that enables “consumers [to] find objective data regarding the best hospitals

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and physicians to treat their illness” (emphasis added) (HealthGrades; paragraph 5) as teaching this limitation.

The remainder of claim 1 is rejected for the same reasons given in the prior Office Action (paper number 09072005, section 4, pages 3-4), and incorporated herein.

The motivations for combining the respective teachings of HealthGrades and AAPA are as given in the rejection of claim 1 in the previous Office Action (paper number 09072005), and incorporated herein.

(B) Claim 15 differs from method claim 1 in that it recites a system rather than a method for matching medical condition information with a medical resource.

Claim 15 has been amended to recite

- “means for contacting the medical resource on the website wherein the medical resource is contactable from the website via the means for contacting the medical resource” in lines 25-27.

As per this new limitation, HealthGrades and AAPA teach a system as analyzed and discussed in the previous Office Action (paper number 09072005) further comprising means for contacting the medical resource on the website wherein the medical resource is contactable from the website via the means for contacting the medical resource (HealthGrades; paragraph 6); Examiner interprets HealthGrades teachings of “[t]he site will contain over 20 solution-based content areas, providing online and downloadable forms, templates, tools, communications resources (e-mail and message boards) and more” as teaching this limitation.

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The remainder of amended system claim 15 repeats the subject matter of amended claim 1, respectively, as a set of elements rather than a series of steps. As the underlying processes of claim 1 have been shown to be fully disclosed by the teachings of HealthGrades and AAPA in the above rejection of claim 1, it is readily apparent that the system disclosed by HealthGrades and AAPA includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 1, and incorporated herein.

The motivations for combining the respective teachings of HealthGrades and AAPA are as given in the rejection of claim 1 in the previous Office Action (paper number 09072005), and incorporated herein.

(C) The amendment to claims 2, 6-8, 10-12, 14, 16, 18-20 appear to have been made merely to correct minor typographical or grammatical errors. While these changes render the language of the claims smoother and more consistent, they otherwise affect neither the scope and breadth of the claims as originally presented nor the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 09072005, section 4, pages 3-4), and incorporated herein.

(D) Claims 3-5, 9, 13, and 17 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 09072005, section 4, pages 4-7), and incorporated herein.

Response to Arguments

10. Applicant's arguments filed 17 January 2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the responses filed 17 January 2006.

(A) At pages 12-19 of the 17 January 2006 amendment, Applicant argues that the limitations of claims 1-20 are not taught or suggested by the applied references. In response, all of the limitations which Applicant disputes are missing in the applied reference, including the newly added limitations, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the teachings of HealthGrades and AAPA, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the 35 USC § 103 rejections given in the preceding sections of the present Office Action and in the prior Office Action (paper number 09072005), and incorporated herein. In particular, Examiner notes that "providing a database on the remote server wherein the database stores first information relating to a plurality of medical conditions and second information relating to a plurality of medical resources wherein the plurality of medical conditions are diseases and disorders and further wherein the plurality of medical resources are medical specialists, specialty hospitals, medical facilities and health facilities which at least one of the plurality of medical conditions" and "searching the first information and the second information in the database based on the query input into the website wherein the medical condition of the query is matched to a second medical condition from the plurality of medical resources in the first information wherein a medical resource form the plurality of medical resources in the

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second information is matched to the medical condition of the query wherein the medical condition of the query is treatable by the medical resource" as recited in claims 1 and 15, are taught by the cited references. In particular, please note that AAPA teaches databases that store information on medical diseases and that are located on remote servers (AAPA; page 1, line 21 to page 2, line 6); (Examiner interprets AAPA's teaching of "[i]t is, of course, generally known to provide information on a computer network. Generally, the computer network may consist of one or a plurality of remote servers that may host one or more websites that may allow an individual to access a database. The database may contain the information in an organized manner so that an individual on a remote computer may access the website and search the database for particular information ... [...] ... Further, it is also generally known to provide access to databases that may contain medical information such as, for example, diseases, disorders or medical procedures" (AAPA; page 1, line 21 to page 2, line 6) as reading on this limitation); and note that HealthGrades teaches storing information regarding medical resources such as hospitals and physicians remotely (HealthGrades; paragraph 5); (Examiner interprets HealthGrades teachings of "only through HealthGrades.com or through one of its partner sites can consumers find objective data regarding the best hospitals and physicians to treat their illness" (HealthGrades; paragraph 5) as teaching remote storing of a plurality of medical resource information and remote storing of a plurality of disease or "illness" information). In addition, Examiner interprets HealthGrades teachings of "[f]irst, they want to know about the disease and the appropriate procedure to treat the disease. Second, they want to know where and to whom to go to for the best care. Many sites provide information on the former" (HealthGrades; paragraph 4) and "Consumer sites such as AOL.com's Health & Fitness Channel

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(NYSE:AOL),drkoop.com (Nasdaq:KOOP), iVillage's BetterHealth.com(Nasdaq:IVIL),Yahoo!'s Health channel (Nasdaq:YHOO), MSN's Health channel (Nasdaq:MSFT),Onhealth (Nasdaq:ONHN), Mediconsult (Nasdaq:MDCS), Healtheon's WebMD(Nasdaq:HLTH), and adam.com (Nasdaq:ADAM) provide valuable disease and condition information to consumers” (HealthGrades; paragraph 5) as teaching inputting queries into a website wherein medical conditions in the query are matched to stored medical conditions in the “first information,” and Examiner interprets HealthGrades teachings of “only through HealthGrades.com or through one of its partner sites can consumers find objective data regarding the best hospitals and physicians to treat their illness” (emphasis added) (HealthGrades; paragraph 5) as teaching “searching ... based on the query input into the website wherein the medical condition of the query is matched to a second medical condition from the plurality of medical resources”).

With respect to Applicant's argument at the paragraphs bridging pages 13-15 of the 17 January 2006 amendment, that the combined applied references fail to teach or suggest displaying third information, Examiner respectfully disagrees and notes that Examiner interprets a “Web site” that is a “portal for consumers” (HealthGrades; paragraph 5) and a “Web-based site for the distribution of free health care provider ... [...] ... information” (paragraph 2) and that enables “consumers [to] find objective data regarding the best hospitals and physicians to treat their illness” (emphasis added) (HealthGrades; paragraph 5) as teaching this limitation. Examiner notes that a “portal” is “a website that aims to be an entry point to the World-Wide Web, typically offering a search engine and/or links to useful pages, and possibly news or other services. These services are usually provided for free in the hope that users will make the site

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their default home page or at least visit it often. Popular examples are Yahoo and MSN. Most portals on the Internet exist to generate advertising income for their owners, others may be focused on a specific group of users and may be part of an intranet or extranet. Some may just concentrate on one particular subject, say technology or medicine;" (source: Free On-line Dictionary of Computing, URL: <<http://foldoc.org/foldoc/foldoc.cgi?portal>>).

With respect to Applicant's argument at lines 20-23 of page 14 of the 17 January 2006 amendment, that the combined applied references fail to teach or suggest means for contacting the medical resource on the website, Examiner notes that HealthGrades teaches "[t]he site will contain ... [...] ... online and downloadable forms, templates, tools, communications resources (e-mail and message boards) and more" (HealthGrades; paragraph 6); Examiner interprets the website containing "e-mail and message boards" to teach this limitation.

With respect to Applicant's arguments in pages 15-16 of the 17 January 2006 response, that the applied references fail to disclose recited limitations in the amended claims, these limitations have been previously addressed in this Office Action.

As per Applicant's argument at pages 17-18 of the 17 January 2006 response that the there is no motivation to combine the references and that *prima facie* obviousness has not been established, the Examiner respectfully submits that obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039,

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228 USPQ 685,686 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984); and *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143,147 (CCPA 1976).

Using this standard, the Examiner respectfully submits that the burden of presenting a *prima facie* case of obviousness has at least been satisfied, since evidence of corresponding claim elements in the prior art has been presented and since Examiner has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention (see paper number 09072005). Note, for example, the motivations explicitly stated at lines 17-19 of page 4 of the previous Office Action (i.e., " ... with the motivations of allowing "consumers [to] find objective data regarding the best hospitals and physicians to treat their illness," based on "collected provider data"...).

Furthermore, the Examiner recognizes that references cannot be arbitrarily altered or modified and that there must be some reason why one skilled in the art would be motivated to make the proposed modifications. And although the motivation or suggestion to make modifications must be articulated, it is respectfully submitted that there is no requirement that the motivation to make modifications must be expressly articulated within the references themselves. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969).

The Examiner is concerned that the Applicant apparently ignores the mandate of the numerous court decisions supporting the position given above. The issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re Delisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5

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USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined in *In re Lamberti et al* 192 USPQ 278 (CCPA) that:

- (i) obvious does not require absolute predictability;
- (ii) non-preferred embodiments of prior art must also be considered; and
- (iii) the question is not express teaching of references but what they would suggest.

According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In *In re Conrad* 169 USPQ 170 (CCPA), obviousness is not based on express suggestion, but what references taken collectively would suggest.

In addition, Examiner notes that according to *In re Kahn*, a suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. . . . The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000), *In re Kahn*, Slip Op. 04-1616, page 9 (Fed. Cir. Mar. 22, 2006).

In the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references is accompanied by select portions of the respective reference

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which specifically support that particular motivation. As such, it is NOT seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex parte Levengood* 28 USPQ 2d 1300 (Bd. Pat. App. & Inter., 4/22/93).

As such, it is respectfully submitted that Applicant appears to view the applied references without considering the knowledge of average skill in the art, and further fails to appreciate the breadth of the claim language that is presently recited.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references, Geller, U.S. Patent Number 6, 199, 067, Sloane, U.S. Patent Number 5, 911, 132, Turner, et al., U.S. Application Publication Number 2003/0177030 and Sloane, U.S. Patent Number 5, 619, 991 teach the environment of Internet delivery of medical information.

12. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final

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action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. **Any response to this final action should be mailed to:**

14.

Box AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: (571) 273-8300.

For formal communications, please mark
"EXPEDITED PROCEDURE".

For informal or draft communications, please
label "PROPOSED" or "DRAFT" on the front page of
the communication and do NOT sign the
communication.

After Final communications should be labeled "Box AF."

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.


16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Natalie A. Pass

March 31, 2006



JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER